



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

CAMERON JULIAS XAVIER BANKS, SR., §
also known as Cameron Banks, also known §
as CJ Banks, §
Plaintiff, §

vs. § Civil Action No. 0:23-cv-5819-MGL

CHARLESTON COUNTY SHERIFF OFFICE, §
VITALCORE HEALTH STRATEGIES LLC, §
CHARLESTON COUNTY COUNCIL, §
JASON LOY, CHELSEY ANDERSON, §
DR. PFEIFFER, APRN DONNA SCUDERI, §
APRN NATALIE BELL, and APRN §
UNKNOWN KING, §
Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF’S MOTION TO DISMISS WITHOUT PREJUDICE,
AND DEEMING AS MOOT DEFENDANT’S MOTION TO DISMISS
OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Plaintiff Cameron Julius Xavier Banks, Sr. (Banks), who is representing himself, brought this civil action against the above-named Defendants. He thereafter moved to dismiss Defendants Charleston County Sheriff’s Office and Charleston County Council (collectively, the Charleston Defendants). The Charleston Defendants request the dismissal be with prejudice.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court dismiss Banks’s claims against the Charleston Defendants without prejudice, subject to the following conditions: (1) if Banks files an action based on or including the same claims against the Charleston Defendants in the future, the

Charleston Defendants may seek costs from this action under Federal Rule of Civil Procedure 41(d) and (2) any discovery materials or other evidence obtained during the course of this litigation may also be used in any subsequent matter. The Magistrate Judge further recommended the Court deem as moot the Charleston Defendants' motion to dismiss or, in the alternative, for summary judgment.

The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 13, 2024. To date, the parties have failed to file any objections.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment

of the Court Banks's motion to dismiss is **GRANTED**, subject to the conditions listed above, and the Charleston Defendants are **DISMISSED WITHOUT PREJUDICE**.

Finally, because the Charleston Defendants are dismissed, their motion to dismiss or, in the alternative, for summary judgment is necessarily **DEEMED AS MOOT**.

IT IS SO ORDERED.

Signed this 9th day of September 2024, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.